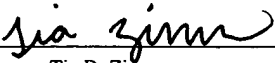


CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10, on the date indicated above and is addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Tia B. Zimmerman

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

John F. KAY et al

Serial No.: Not Yet Assigned

Filing Date: Concurrently Herewith

For: MINIMALLY INVASIVE HIGH
VISCOSITY MATERIAL DELIVERY
SYSTEM

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Pursuant to the USPTO notice dated July 11, 2003, waiving the requirement under 37 C.F.R. §1.98 (a)(2)(i)

to provide copies of U.S. Patents and U.S. Published Applications, copies of those references are not submitted. The Examiner is requested to make these documents of record.

This Information Disclosure Statement is submitted:

- ☒ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114.
- ☐ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of __ is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of __ is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does

not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 549012000300. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: November 24, 2003

Respectfully submitted,

By: 

E. Thomas Wheelock
Registration No. 28,825

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Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i>	Docket Number 549012000300	Application Number Not Yet Assigned
	Applicant John F. KAY et al	
	Filing Date Concurrently Herewith	Group Art Unit Not Yet Assigned
	Mailing Date November 24, 2003	

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	08/29/2002	2002/0119417	Ashman			
	2.	03/06/2003	2003/0045838	Woodard et al.			
	3.	05/12/1987	4,664,655	Orentreich et al.			
	4.	07/19/1988	4,758,234	Orentreich et al.			
	5.	01/31/1989	4,801,263	Clark			
	6.	05/26/1992	5,116,315	Capozzi et al.			
	7.	08/11/1992	5,137,511	Reynolds			
	8.	12/28/1993	5,273,541	Malenchek			
	9.	02/15/1994	5,286,257	Fischer			
	10.	11/15/1994	5,364,369	Reynolds			
	11.	04/25/1995	5,409,465	Boggs et al.			
	12.	08/29/1995	5,445,523	Fischer et al.			
	13.	04/28/1998	5,743,431	Brattesani			
	14.	07/21/1998	5,782,633	Mühlbauer			
	15.	08/17/1999	5,938,439	Mertins et al.			
	16.	03/28/2000	6,042,565	Hirschman et al.			
	17.	04/11/2000	6,048,334	Hirschman et al.			
	18.	05/01/2001	6,223,936	Jeanbourquin			
	19.	11/06/2001	6,312,254	Freidman			
	20.	04/29/2003	6,554,803	Ashman			

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.				Class	Subclass	Translation YES NO

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.